

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

ROBERT E. BROWN and,)	
SHIRLEY H. BROWN, h/w,)	
Plaintiffs,)	C. A. 04-617 SLR
v.)	
)	JURY DEMANDED
INTERBAY FUNDING, LLC, and)	
LEGRECA & QUINN REAL ESTATE)	
SERVICES INC.,)	
)	
Defendants.)	

MOTION TO STRIKE

NOW COMES the Defendant Lagreca & Quinn Real Estate Services, Inc. (hereinafter “Lagreca & Quinn”), by and through its attorney, and hereby moves this Honorable Court to strike from the record Plaintiffs’ filings D.I. No. 79, and D.I. No. 80, Plaintiffs’ affidavits of complaints. In support of this motion the Defendant Lagreca & Quinn avers the following:

1. April 8, 2005, Plaintiffs filed documents which they entitled “Plaintiffs (sic) Affidavits of Complaints in Support of Motion for Summary Judgment.”
2. These so-called “Affidavits” are not Affidavits at all, but rather are copies of Complaints which were filed with the Pennsylvania Department of State and Delaware Department of Administrative Services respectively.
3. Plaintiffs’ so-called Affidavits are improper pleadings which fail to comply with any Federal Rule of Civil Procedure.
4. Plaintiffs’ so-called Affidavits are Plaintiffs’ blatant attempt to influence this Court, improperly reiterate the allegations of their District Court Complaint, and unduly prejudice Defendants.

5. The documents and information contained in Plaintiffs' so-called Affidavits are redundant, immaterial and impertinent and should not be part of the record in this instant action.
6. F.R.C.P. 12(f) allows this Court to strike from the record any redundant, immaterial and impertinent matter.
7. On April 25, 2005, counsel for Lagreca & Quinn requested that Plaintiffs withdraw these improper pleadings. Plaintiffs responded by filing D.I. 89 and D.I. 90, addendums to the Affidavits at issue. A copy of the correspondence is attached hereto as Exhibit A.
8. Plaintiffs are not prejudiced by having these copies of their State Complaints removed from the record of this District Court.
9. Defendant Lagreca & Quinn is prejudiced by having these unfounded and redundant allegations as part of the record in this Court's proceedings.

WHEREFORE, the Defendant Lagreca & Quinn Real Estate Services, Inc. respectfully requests that this Court grant judgment in its favor and strike D.I. No. 79 and D.I. No. 80, Plaintiffs' "Affidavits," from the record.

REGER & RIZZO, LLP

s/s Carol J. Antoff
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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify on this 27th day of April, 2005 that two true and correct copies of Defendant Lagreca & Quinn Real Estate Services, Inc. Motion to Strike have been served via first class mail, postage prepaid, upon the following:

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Shirley H. Brown
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ORDER

Now this ____ day of _____, 2005, having heard Defendant Lagreca & Quinn's Motion to Strike Plaintiffs' State Complaints from the record and any response thereto, it is hereby ORDERED and DECREED that D.I. No. 79 and D.I. No. 80 are stricken from the record.

J. Sue L. Robinson